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IAB CASE NO. IV 2322674

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB# IV 2322674

COMPLAINANT:	[redacted] #[redacted] Custody Assistant Twin Towers Correctional Facility Custody Division
SUBJECT:	William Nelson, #[redacted] Deputy Twin Towers Correctional Facility Custody Division
DATE OF INCIDENT:	September 25, 2012
LOCATION:	Twin Towers Correctional Facility - Kitchen
DATE DEPT. NOTIFIED:	September 28, 2012
DATE OF INTAKE NOTIFICATION:	September 28, 2012
DATE IAB OPENED:	October 18, 2012
PRIMARY INVESTIGATOR:	Sergeant Irma Chevalier

ALLEGATIONS

The alleged acts of harm regarding **William Nelson** are as follows:

3-01/121.25 POE - Third Person Harassment (Sex/Race/Ethnicity/National Origin); 3-01/121.30 POE - Inappropriate Conduct Toward Others (Sex/Race/Ethnicity/National Origin); 3-01/030.10 Obedience to Laws, Regulations, and/orders (Computer Use)

Specifically, Subject Nelson is alleged to have been overheard making racial slurs about various ethnic groups. Additionally, on September 25, 2012, Subject Nelson used a racial slur to describe an individual of Middle Eastern descent.

CURRENT STATUS

Complainant [redacted] remains at his current unit of assignment, Twin Towers Correctional Facility (TTCF), and is still assigned to a kitchen detail.

Subject Nelson remains at his current unit of assignment, Twin Towers Correctional Facility (TTCF), and has been reassigned to a position outside of the kitchen.

BACKGROUND

Complainant [redacted] is a 40-year-old Hispanic male working as a Custody Assistant at Twin Towers Correctional Facility (TTCF). Complainant [redacted] was hired on October 16, 2008.

Witness [redacted] is a 47-year-old-Hispanic male working as a Custody Assistant at Twin Towers Correctional Facility (TTCF). Witness [redacted] was hired on June 29, 1989.

Witness [redacted] is a 40-year-old Filipino male working as a Custody Assistant at Twin Towers Correctional Facility (TTCF). Witness [redacted] was initially hired on June 29, 1999, [redacted]. Witness [redacted] was afforded Subject Rights during this investigation. Witness [redacted] attended [redacted] and received a copy of the Policy of Equality on September 2, 2008 (**Exhibit C**).

Witness [redacted] is a 26-year-old Hispanic male working as a Custody Assistant at Twin Towers Correctional Facility (TTCF). Witness [redacted] was hired on August 7, 2008.

Subject William Nelson is a 29-year-old White male Deputy Sheriff assigned to Twin Towers Correctional Facility (TTCF). He was hired on December 17, 2008, and attended [redacted]. Additionally, Subject Nelson received a copy of the Policy of Equality on December 17, 2008 (**Exhibit B**).

INVESTIGATION

Complainant [redacted] alleged since being assigned to work with Subject William Nelson, he has overheard Subject Nelson make racial slurs at least twice a week in the span of four months.

The alleged conduct was documented via Policy of Equality Report/Notification No. 12-177, dated September 28, 2012, which is incorporated as **Exhibit A**. The reporting party was Sergeant Yolanda Palomo.

STATEMENTS

Complainant Custody Assistant [redacted]

Complainant [redacted] stated he transferred to TTCF from [redacted] Upon his arrival at TTCF, he was assigned to work in the kitchen.

Complainant [redacted] explained since he has been assigned to work with Subject Nelson, it has been Subject Nelson's pattern of behavior to make derogatory comments about other racial/ethnic groups. Additionally, the degrading comments were primarily targeted toward African-Americans.

Complainant [redacted] explained that Subject Nelson routinely engaged in slanderous type of behavior when he was in the company of Witness [redacted]. Complainant [redacted] stated the comments were a weekly occurrence, and because of the frequency, he could not recall the specifics of every incident.

Nonetheless, Complainant [redacted] recalled the date of the last incident when Subject Nelson uttered a racial slur. The incident occurred on September 25, 2012, in the kitchen booth of TTCF. Subject Nelson was having a discussion with Witness [redacted] regarding traffic stops, and Subject Nelson shared that if he ever encountered anyone who looked like a terrorist, he would pull that individual over. Subject Nelson added that even if that individual was not a terrorist, he would still pull the individual over, and then commented, "fuck that sand-nigger" ([redacted], *p6*). Complainant [redacted] believed Subject Nelson was referencing people of Middle Eastern descent as terrorists.

> **IAB Note:** Urban Dictionary defined sand-nigger as "a person of Middle Eastern descent due to the various desert regions there. Usually meant in a disparaging, and demeaning way" (*www.urbandictionary.com*, **Exhibit D**).

> **IAB Note:** Witness [redacted] stated he never heard Subject Nelson use derogatory terms to describe terrorists or individuals of Middle Eastern descent.

Complainant [redacted] explained when he first arrived at TTCF, Subject Nelson and Witness [redacted] inquired as to his national origin, and the origin of his last name. Complainant [redacted] simply told them he was born and raised in Honduras, and that he spoke Spanish. Complainant [redacted] did not inform them that his parents were Palestinians who had migrated to Honduras.

Complainant [redacted] stated he sensed he was accepted by Subject Nelson and Witness [redacted] because they believed he was of Hispanic descent. Complainant [redacted] believed Subject Nelson and Witness [redacted] speculated that he would not be offended if they made derogatory comments about other races.

IAB Note: Any reference in this case to potential policy violations by Witness [redacted] are addressed in Equity IAB IV 2322658.

Complainant [redacted] also explained when Subject Nelson and Witness [redacted] spoke privately of others races, they regularly used derogatory terms. Complainant [redacted] interpreted Subject Nelson's and Witness [redacted] negative comments about other races as, "If you're not Hispanic or white, you're -- you're not good enough" ([redacted] *p16*).

Complainant [redacted] stated he also heard Subject Nelson and Witness [redacted] voice their personal opinions, which were negative, about African-Americans. They commented that their African-American supervisors were only promoted because of their race and Affirmative Action. Additionally, African-Americans "should be working in a warehouse loading boxes instead of working for the Sheriff's Department" ([redacted] *p13*).

Complainant [redacted] said Subject Nelson and Witness [redacted] were very discreet about their racial comments, and therefore he was uncertain who else may have been privy to their comments. Complainant [redacted] identified Witnesses [redacted] and [redacted] as additional personnel also assigned to the kitchen, who may have heard their racial comments.

IAB Note: Witnesses [redacted] and [redacted] stated they did not hear Subject Nelson or Witness [redacted] use racial slurs.

Complainant [redacted] said he also recalled an incident in which he heard Subject Nelson and Witness [redacted] speak about their female African-American peers and their skin color. The comments were a negative connotation about the darkness of the women's skin. During that same conversation, Complainant [redacted] stated he interjected and asked them if they would date a black woman. Witness [redacted] then commented, "My mama said I would burn in hell if I did something like that" ([redacted] *p15*). Subject Nelson followed up by making general negative comments about interracial dating with African-American women.

IAB Note: Subject Nelson did not recall making any comment about interracial dating.

Complainant [redacted] further advised that Subject Nelson regularly brought a portable hard drive into the facility and accessed it via the Department's computers. Subject Nelson had the series Dexter downloaded onto the hard drive, and Subject Nelson and Witness [redacted] viewed the series regularly during their working hours.

IAB Note: Subject Nelson acknowledged he brought a hard drive into the facility and the series Dexter was downloaded on the hard drive. He also acknowledged he used a Department computer to access his hard drive.

IAB Note: Witnesses [redacted], and [redacted] indicated that various entertainment programs were viewed via the Department's computers during working hours.

Complainant [redacted] explained the series Dexter centered on killing, and often, the victims would be nude females, which was uncomfortable to view.

IAB Note: According to the Parent Television Council, Dexter was given an overall red rate which is described as "Show may include gratuitous sex, explicit dialogue, violent content, or obscene language, and is unsuitable for children" (www.parentstv.org). According to IMDb Parents Guide, the series Dexter was assessed in the areas of Sex & Nudity, Violence & Gore, Profanity, Alcohol/Drugs/Smoking, and Frightening Scenes, and concluded that Dexter "was not recommended for under 17" (www.imdb.com) (**Exhibit E**).

Complainant [redacted] also stated that Subject Nelson and Witness [redacted] watched movies by accessing the website Veetle via the Sheriff's Department Network. Complainant [redacted] explained that Veetle streams movies that currently play in theaters.

IAB Note: Subject Nelson stated he was aware of the website Veetle but did not believe he had accessed it via the Sheriff's Data Network.

IAB Note: An audit of Subject Nelson's access to websites illustrated he accessed Veetle (**Exhibit F**).

IAB Note: According to eHow, "Veetle is a live streaming video service that allows you to broadcast personal videos over the Internet instantly" (www.ehow.com/info_11373901_vettle-tv.html. **Exhibit G**).

Refer to Complainant [redacted] transcribed interview.

Subject Deputy William Nelson
Subject Nelson stated he is currently assigned to TTCF, and [redacted], he was assigned to work in the kitchen during the Early Morning shift.

In interacting with Witness [redacted] Subject Nelson stated they would regularly speak about patrol, and create hypothetical situations in an effort to prepare for patrol.

Subject Nelson said he was sure he and Witness [redacted] discussed traffic stops but he could not recall the specifics. In reference to terrorism, Subject Nelson could not recall any discussion on that subject matter and said he did not make any comment that a terrorist is a person of Middle Eastern descent, and did not refer to individuals of Middle Eastern descent in derogatory terms.

> **IAB Note:** Complainant [redacted] stated Subject Nelson used a derogatory racial term in referencing individuals of Middle Eastern descent.

In reference to discussions about African-Americans, Subject Nelson stated he has never described African-Americans in negative or derogatory terms. Additionally he has never spoken of African-American's skin color.

Subject Nelson also denied he made any comment that African-Americans should not be working for the Sheriff's Department, and should be working in warehouses. He further denied he made any comment that African-American supervisors were only appointed because of their race and because of Affirmative Action.

> **IAB Note:** Complainant [redacted] stated Subject Nelson and Witness [redacted] regularly made negative comments about African-Americans.

Lastly, Subject Nelson did not recall any discussion with Witness [redacted] about dating African-American women, and he did not recall Witness [redacted] making any negative comment about dating an African-American woman.

In reference to the Sheriff's Data Network, Subject Nelson acknowledged that while assigned to TTCF, he utilized the system to access various websites (**Exhibit F**).

> **IAB Note: Exhibit F** is a four page document that illustrates some of the sites accessed by Subject Nelson from August 13, 2012, and October 4, 2012.

In reference to the website Veetle, Subject Nelson stated he did not recall ever accessing that website. He explained that possibly someone accessed that website while he was logged on the work area computer. He explained that because there are routinely four to five individuals assigned to the kitchen, once an individual logs on, that particular individual will remain logged on until the end of shift. Additionally, during the course of the shift, if the computer needs to be accessed by anyone, they will access it under that individual's log on name.

Nonetheless, Subject Nelson stated he was familiar with the Veetle website and described it as "a movie website" in which movies are streamed. Subject Nelson acknowledged he has viewed a movie via Veetle while on duty, but it was approximately one year ago. Subject Nelson commented he was introduced to the website from a peer (could not recall who), but he never introduced Veetle to others.

IAB Note: Complainant [redacted] stated Subject Nelson introduced him to Veetle.

In reference to the viewing of movies, Subject Nelson explained that approximately over a year ago, someone accessed Veetle and they viewed movies in the kitchen's booth.

Subject Nelson also acknowledged he viewed shows/movies while at work via other computer sources. He explained he downloaded shows/movies onto his personal flash drive and/or hard drive and subsequently he attached that source to the Department computer(s), and viewed the recorded program.

Subject Nelson said he viewed the recorded programs from the flash drive or hard drive on a daily occurrence, but only when there was down time. He stated he did not neglect his duties when a show/movie was playing.

IAB Note: Witnesses [redacted] and [redacted] stated the viewing of shows/movies only occurred during down time.

Subject Nelson recognized that his personal hard drive was an electronic device, and he did not have approval from the Unit Commander to bring it into the facility.

Subject Nelson also indicated that one show he regularly viewed was the series Dexter which was about a crime scene analyst that is a serial killer. Subject Nelson concurred the series illustrated sex scenes and some scenes could have been perceived as graphic. He also recognized the series contained explicit/obscene language, and violent content that would not be suitable for children.

Subject Nelson also explained because of his Mormon faith, when there were sex scenes on screen, he "was always uncomfortable with nudity and [he] would skip past that stuff" (*Nelson, p17*).

Subject Nelson stated Witness [redacted] viewed the series Dexter with him, but he never heard Witness [redacted] use any racial slur to describe any of the characters in the Dexter series.

Refer to Subject Nelson's transcribed interview.

Witness Custody Assistant [redacted]
Witness [redacted] stated he is currently assigned to TTCF, and from [redacted] he was assigned to work in the kitchen on the Early Morning shift.

In reference to Subject Nelson and Witness [redacted] interactions about patrol, Witness [redacted] stated he did hear them discuss patrol, and they created and discussed scenarios in preparation for patrol. Witness [redacted] said he could not recall what the

scenarios were, or what Subject Nelson and Witness [redacted] discussed. Subject [redacted] could not recall if terrorism was discussed as a scenario, and stated he never heard Witness Nelson comment on terrorists.

Additionally, Witness [redacted] said he never heard Subject Nelson infer that people of Middle Eastern descent were terrorists nor did he hear Subject Nelson use derogatory racial slurs that referenced individuals of Middle Eastern descent.

Witness [redacted] also commented he did not speak to Subject Nelson about his African-American peers and/or supervisors in negative or in derogatory terms. Additionally, Witness [redacted] said he never made any references about African-Americans' skin color.

Witness [redacted] denied he made any remarks that his African-American peers and/or supervisors should not be working for the Sheriff's Department, and should be working in warehouses. Subject [redacted] further denied he made any comment about his African-American supervisors being appointed to their position because of Affirmative Action.

> **IAB Note:** Complainant [redacted] stated Subject Nelson and Witness [redacted] regularly made disparaging remarks about their African-American counterparts.

Witness [redacted] acknowledged that while at work he viewed the series Dexter via an unknown individual's hard drive. He stated he did not view the show daily, and he only viewed it because it was playing.

> **IAB Note:** Witness [redacted] stated the hard drive was not his own, nor did he have any knowledge of Subject Nelson bringing a hard drive into TTCF.

> **IAB Note:** Subject Nelson stated he had the series Dexter downloaded on his personal hard drive, and brought the drive into the facility.

> **IAB Note:** Witness [redacted] said it was common practice for personnel members to take their personal hard drives into the facility and use it for work-related tasks.

Witness [redacted] said the Dexter series was about a forensic professional who was a serial killer and said he did not believe or recall that the series contained sex scenes, but did recall that it contained explicit/obscene language, and violent content.

Witness [redacted] also explained that approximately four times a week, he and/or his peers would play a movie and/or a cable series while they performed their duties. He added they never simply sat in front of the screen to watch a movie/show, and it would just play in the background to keep them awake, as they were on the Early Morning shift.

Refer to Witness [redacted] transcribed interview.

Witness Deputy [redacted]
Witness [redacted] stated he is assigned to TTCF and has been assigned to work in the kitchen on the Early Morning shift.

> **IAB Note:** Witness [redacted] and was [redacted]. However, Witness [redacted] was [redacted].

Prior to commencing the interview, Witness [redacted] indicated he understood he was being interviewed as a Witness with Subject Rights, and he elected to proceed with the interview without a representative.

Witness [redacted] stated that from June 2012 through October 2012 some of his peers were Subject Nelson, Witnesses [redacted] and [redacted] and Complainant [redacted]. He further added Subject Nelson and Witness [redacted] were his personal friends.

In reference to creating hypothetical scenarios for patrol, Witness [redacted] indicated it was something he did with Subject Nelson. He said they engaged in this type of dialog regularly as a way to prepare for patrol.

Witness [redacted] could not recall what hypothetical scenarios they discussed but believed they did discuss terrorism, as anyone could be a terrorist and therefore subjected to being detained. Witness [redacted] stated that in the discussion of terrorism, Subject Nelson never commented that terrorists were persons of Middle Eastern descent, and never referred to individuals of Middle Eastern descent in racial derogatory terms.

> **IAB Note:** Complainant [redacted] stated Subject Nelson referred to persons of Middle Easter descent as "sand niggers" ([redacted] p.6).

In reference to Subject Nelson and Witness [redacted] speaking about African-Americans, Witness [redacted] stated he never heard either one make derogatory racial comments about African-Americans. Additionally he never heard Subject Nelson or Witness [redacted] comment on African-Americans skin color, or on interracial dating, or working status.

In reference to the website Veetle, Witness [redacted] indicated he was aware that it was a website accessed to stream movies. He stated he learned of the website while working at TTCF, but he could not recall who informed him of the site. Witness [redacted] also indicated he has never accessed the website while at work.

> **IAB Note:** An audit of Witness [redacted] access to websites was not conducted as he was not a listed Subject of this investigation.

Witness [redacted] said he was aware that Subject Nelson had accessed the Veetle website. He also acknowledged he viewed shows/movies while at work although he never initiated it. Witness [redacted] believed the shows that were regularly viewed in the kitchen were Homeland and Dexter, and it was initiated by Subject Nelson.

Witness [redacted] clarified that although a show/movie played during the course of their shift, it never interfered with their duties.

Witness [redacted] also mentioned that sometimes Subject Nelson brought his personal hard drive into the facility and used it to study for patrol and to view programs. Witness [redacted] indicated he was not aware if Subject Nelson utilized a flash drive (USB drive) to view shows/movies.

Witness [redacted] acknowledged he watched shows/movies with Subject Nelson and Witness [redacted] while at work, and acknowledged that Dexter was one show they regularly viewed.

In describing the series Dexter, Witness [redacted] said it centered on a "psychotic guy" that "kills bad people" ([redacted] *p10*). He also commented that Dexter contains sex scenes, and obscene language that may be viewed as inappropriate.

Refer to Witness [redacted] transcribed interview.

Witness Custody Assistant [redacted]
Witness [redacted] stated he has been working at TTCF for the last ten years and is currently assigned to the kitchen on the Early Morning shift.

Witness [redacted] stated Subject Nelson and Witness [redacted] were his partners in the kitchen, and they worked together for approximately ten months.

> **IAB Note:** Subject Nelson and Witness [redacted] were reassigned out of the kitchen when the potential Policy of Equality violations were reported (POEs 11-176 and 11-177).

In reference to hearing Subject Nelson discuss patrol issues with Witness [redacted], Witness [redacted] stated he never heard them discuss patrol. Additionally, he has never heard Subject Nelson use any degrading terms when referencing terrorists or people of Middle Eastern descent.

In reference to Subject Nelson's and/or Witness [redacted] use of racial derogatory terms, Witness [redacted] said he has never heard either of them use such terminology.

Witness [redacted] also stated he has never heard Subject Nelson and/or Witness [redacted] speak about African-American employees in any negative or derogatory fashion.

Witness [redacted] commented he did not spend a lot of time in the kitchen control booth, and therefore he was not privy to what may have transpired in the booth.

Witness [redacted] said during the time he worked with them, he did observe Subject Nelson and Witness [redacted] viewing shows/movies during working hours. He stated it was common for some type of entertainment to be playing in the kitchen's control booth during their working hours and explained the shows/movies were viewed during down time, and when no other duties had to be executed.

Witness [redacted] added the shows/movies would be stored in the computer or on someone's personal hard drive which was attached to a computer. Witness [redacted] explained he did not know whose hard drive was attached to the computer, as it was common practice throughout the jail for Department members to bring in their personal hard drives and attach them to a computer.

Witness [redacted] said he did not typically sit and watch any shows/movies because he simply had no interest in doing so. However, when he walked into the control booth, he noticed that at least once a week, Subject Nelson and Witness [redacted] would be viewing a show/movie.

Witness [redacted] said Subject Nelson and Witness [redacted] may have viewed the series Dexter, but the only knowledge he has about that series is that it's centered on a serial killer. Witness [redacted] stated he did not have any knowledge as to the content.

In reference to the website Veetle, Witness [redacted] stated he was not aware of the website and does not know of its function. Additionally, he was not aware if Subject Nelson or Witness [redacted] had access to that particular website.

Refer to Witness [redacted] audio recorded interview.

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 1, 2013
FILE: 2322674

Km

FROM: KARYN MANNIS
EQUITY COMMANDER
INTERNAL INVESTIGATIONS
DIVISION

TO: ALICIA AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **WILLIAM NELSON, #[redacted]**
Deputy
Twin Towers Correctional Facility
Custody Division

The Equity Oversight Panel, consisting of Marilyn Baker, Mercedes Cruz, Nora Quinn, and Commander David Waters, met on July 23, 2013. Also in attendance were Division representatives Commander Stephen Johnson and Captain Clay Porlier.

Upon consideration of the facts developed in this investigation, the Panel determined that the Manual of Policy and Procedures sections: *3-01/121.25 POE – Third Person Harassment (race, ethnicity, national origin, color, sex), 3-01/121.30 POE – Inappropriate Conduct Toward Others (race, ethnicity, national origin, color, sex),* and *3-01/030.10 POE – Obedience to Laws, Regulations and Orders, as it pertains to; computer use* were **founded**.

The Department also determined that the following non POE-related charge was **founded**: *3-01/030.10 Obedience to Laws, Regulations and Orders, as it pertains to; 3-01/090.00 Security of Personal Property (personal device).*

The Equity Oversight Panel and the Department determined that the Subject receive a **five-day suspension**. The Panel recommended that the Division management may allow up to **five days** in Education-Based Discipline and/or other appropriate training program.

KM:HP:hp



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

August 29, 2013

Deputy William Nelson, #[redacted]
[redacted]

Dear Deputy Nelson:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days.

An investigation under IAB File Number IV2322674, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others (Sex, Ethnicity, Race, National Origin), and/or 3-01/121.25, Policy of Equality - Third Party Harassment, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Custody Division Manual, Section 3-01/090.00, Security of Personal Property [Revised 04/07/06], and/or (as it pertains to Section(s) 3-07/210.00, Permissible Use, and/or, 3-07/210.10, System Use, and/or 3-07/220.00, Prohibitions, on or about or between, June 2012, and continuing through September 19, 2012, while on duty and assigned to a kitchen detail at Twin Towers Correctional Facility, with other co-workers present, you engaged in conduct of a sexual nature, and/or made derogatory comments pertaining to Ethnicity, Race, and/or National Origin, and/or such conduct that would reasonably be considered inappropriate for the workplace, as evidenced by, but not limited to:

a. referring to persons of Middle Eastern decent, stating, "if you look like a terrorist, I am going to pull you over,' and/or "Fuck that sand-nigger," and/or words to that effect, and/or;

b. referring to African American co-workers, and stating, "they should be working in a warehouse loading boxes, instead of working for the Sheriff's Department," and/or inferring that African American supervisors got their positions, and/or promotions based solely upon their gender, and or race, and/or words to that effect, and/or;

c. bringing a portable hard drive into a secured area without approval from the Unit Commander, and/or accessing a portable hard drive via a Department computer, and/or playing, and/or viewing the television program, "Dexter" which contains scenes of violence, and/or nudity, and/or sexual innuendos, and/or;

d. using the Sheriff's Department's Data Systems Network to access the internet site, "Veetle" under the user name, "wcnelson," and/or viewing movies via the "Veetie web site.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at [redacted], and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Clay S. Porlier, Captain
Twin Towers Correctional Facility

CSP:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Chief David L. Fender, Custody Services Division – Specialized Programs
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2322674)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2322674.***

29 AUG 2013

Date

WILLIAM NELSON, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***WILLIAM NELSON.***

08/29/13

Date

WITNESS SIGNATURE

J. BAOALI

WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
[redacted]

SETTLEMENT AGREEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department", and Deputy William Nelson, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated August 29, 2013, (IAB #2322674) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the five (5) day suspension shall stand.

2. The Department will, upon execution of this Settlement Agreement, impose the five (5) day suspension.

3. Both parties agree that the Department shall issue the Grievant a Letter of Imposition that he accepts without appeal that shall read as follows:

Charge #1: That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality – Inappropriate Conduct towards others (Sex, Ethnicity, Race, National Origin), and/or 3-01/121.25, Policy of Equality – Third Party Harassment, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Custody Division Manual, Section 3-01/090.00, Security of Personal Property [Revised 04/07/06]), and/or (as it pertains to Section(s) 3-07/210.05, Permissible Use, and/or 3-07/210.10, System Use, and/or 3-07/220.00, Prohibitions), on or about or between June 2012, and continuing through September 19, 2012, while on duty and assigned to a kitchen detail at Twin Towers Correctional Facility, with other co-workers present, you engaged in conduct that would reasonably be considered inappropriate for the workplace, as evidenced by, but not limited to:

a. commenting on"terrorist," by stating, "if you look like a terrorist, I am going to pull you over," and/or words to that effect, and/or;

b. bringing a portable hard drive into a secured area without approval from the Unit Commander, and/or accessing a portable hard drive via a Department computer, and/or playing, and/or viewing the television program, "Dexter" which contains scenes of violence, and/or nudity, and/or sexual innuendos, and/or derogatory comments pertaining to Ethnicity, Race, and/or National Origin, and/or,

8-7-14 [initials]

c. using the Sheriff's Department Data Systems Network to access the internet site, "Veetle" under the user name, "wcnelson," and/or viewing movies via the "Veetle" web site.

4. The Grievant agrees to withdraw his grievance. The Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

5. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

6. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred to herein.

7. Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

8. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

9. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 08/07/14	Date: 8/7/14
[signature]	[signature]
William Nelson, Deputy #[redacted]	David L. Fender, Chief Custody Services Division



John L. Scott, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

September 19, 2014

Deputy William Nelson #[redacted]
[redacted]

Dear Deputy Nelson:

On August 29, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2322674. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that pursuant to a settlement agreement dated August 7, 2014, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days effective September 22, 2014 through September 26, 2014.

An investigation under File Number IAB 2322674, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others (Sex, Ethnicity, Race, National Origin), and/or 3-01/121.25, Policy of Equality - Third Party Harassment, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Custody Division Manual, Section 3-01/090.00, Security of Personal Property [Revised 04/07/06], and/or (as it pertains to Section(s) 3-07/210.05, Permissible Use, and/or, 3-07/210.10, System Use, and/or 3-07/220.00, Prohibitions, on or about or

between, June 2012, and continuing through September 19, 2012, while on duty and assigned to a kitchen detail at Twin Towers Correctional Facility, with other co-workers present, you engaged in conduct that would reasonably be considered inappropriate for the workplace, as evidenced by, but not limited to:

a. Commenting on" terrorist," by stating, "if you look like a terrorist, I am going to pull you over," and/or words to that effect, and/or;

b. bringing a portable hard drive into a secured area without approval from the Unit Commander, and/or accessing a portable hard drive via a Department computer, and/or playing, and/or viewing the television program, "Dexter" which contains scenes of violence, and/or nudity, and/or sexual innuendos, and/or derogatory comments pertaining to Ethnicity, Race, and/or National Origin, and/or,

c. using the Sheriff's Department's Data Systems Network to access the internet site, "Veetle" under the user name, "wcnelson," and/or viewing movies via the "Veetie web site.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

John S. Benedict, Captain
Twin Towers Correctional Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JSB:AEA:jp

c: Advocacy Unit
Chief David L. Fender, Custody Services Division – Specialized Programs
Internal Affairs Bureau
Personnel Administration
Twin Towers Correctional Facility/unit Personnel File
Doreen Garcia, Pay and Leave Management